

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

PERRY PIERCE,

Plaintiff

v

Case No. 1:22-cv-863

KRISTIN ROBBINS,

Hon. Hala Y. Jarbou
Magistrate Judge Sally J. Berens

Defendants

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**DEFENDANT LT. KRISTIN ROBBINS' MOTION FOR
SUMMARY JUDGMENT UNDER FED. R. CIV. P. 56**

Defendant, LT. KRISTIN ROBBINS, by and through counsel, STRAUB, SEAMAN & ALLEN, P.C., hereby respectfully moves this Honorable Court, under Fed. R. Civ. P. 56, for summary judgment in her favor because there is no genuine issue of material fact, and Defendant is entitled to judgment as a matter of law. Defendant Robbins is entitled to Qualified Immunity as to Plaintiff's sole claim of excessive force and, therefore, dismissal is appropriate. This Motion is supported by a Brief in Support which is being filed concomitantly and is incorporated into this Motion by reference.

Consistent with W.D. Mich. LCivR 7.1(d), counsel for Lt. Robbins contacted Plaintiff's counsel to seek concurrence with the instant motion and relief sought. Plaintiff's counsel did not concur in the motion or relief sought.

WHEREFORE, Defendant Lt. Kristin Robbins respectfully requests that this Honorable Court grant summary judgment in her favor under Fed. R. Civ. P. 56 and dismiss her from this lawsuit accordingly.

Respectfully submitted,

STRAUB, SEAMAN & ALLEN, P.C.

/s/ James T. McGovern

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Attorneys for Defendant Lt. Kristin Robbins

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Dated: January 24, 2024

PROOF OF SERVICE

The undersigned hereby certifies that on the 24th day of January, 2024, I electronically filed the foregoing document with the Clerk of the Court using the Electronic Case Filing System, which sent notification of such filing to all counsel of record registered to receive the same.

/s/ Denise A. Van Hoven

Denise A. Van Hoven

Legal Assistant to James T. McGovern

& J. Grant Semonin